

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**WESTMOUNT INC. D/B/A
FAIRWAY FOODSTORE, FORUM
REALITY INC., AND AMINA
INAYATALIA**

Plaintiffs,

v.

**GREAT LAKES INSURANCE SE,
Defendant.**

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CIVIL ACTION NO. 4:19-CV-03889

NOTICE OF REMOVAL

Defendant, Great Lakes Insurance SE (“Great Lakes” or “Defendant”), files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

I. BACKGROUND

1. On September 27, 2019, Plaintiffs Westmount Inc. D/B/A Fairway Foodstore, Forum Reality Inc., and Amina Inayatalia (“Plaintiffs”) filed this action in the 189th Judicial District Court of Harris County, Texas, bearing Cause No. 2019-71022 (the “State Court Action”), against Great Lakes Insurance SE. Plaintiffs’ Original Petition (the “Complaint”) is the live pleading in this case. Plaintiffs have demanded a jury. (A copy of the Complaint is attached in accordance with 28 U.S.C. § 1446(a) as **Exhibit C-1**).

2. Great Lakes has not been served as of the filing of this removal. Thus, this Notice of Removal of the State Court Action to the United States District Court is timely filed by Great Lakes, as it is being filed no more than thirty days after service of Great Lakes, in accordance with 28 U.S.C. §§ 1441 and 1446.

II. BASIS FOR REMOVAL: DIVERSITY JURISDICTION

3. Removal of the State Court Action to this Court is proper pursuant to 28 U.S.C.

§§ 1332 and 1441(a) and (b) because: (1) there is complete diversity between Plaintiffs and Defendant, and (2) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. There is complete diversity.

4. Plaintiffs' State Court Action may be removed to this Court because it arises under 28 U.S.C. § 1332.

5. Plaintiffs state in the Complaint that they "reside in Harris County, Texas."¹ Therefore, Plaintiffs are citizens of Texas for purposes of diversity jurisdiction.

6. Great Lakes is a foreign non-admitted surplus lines insurer engaged in the business of insurance in the State of Texas and is incorporated and has its principal place of business in Germany. Therefore, Great Lakes is a citizen of Germany for purposes of diversity jurisdiction.

7. Thus, there is complete diversity of citizenship between Plaintiffs and Great Lakes.

B. The amount in controversy exceeds \$75,000.

8. Plaintiffs are seeking "monetary relief over \$1,000,000.00 excluding interest and costs."² Because the face of the Complaint establishes Plaintiff seeks damages in excess of \$75,000, excluding interest and costs, the amount in controversy requirement for removal set forth in 28 U.S.C. § 1446(c)(2)(A)–(B) is satisfied.

III. VENUE

9. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the 189th Judicial District Court of Harris County, Texas, the forum in which the removed action was pending.

¹ Complaint ¶2.

² Complaint, ¶4.

IV. ADDITIONAL REQUIREMENTS

10. Great Lakes has provided notice to Plaintiffs through delivery of a copy of this Notice and the state court Notice of Filing of Notice of Removal to Plaintiffs' counsel of record and has also provided notice to the Clerk of Court for the 189th Judicial District Court of Harris County, Texas through the filing of this Notice and the Notice of Filing of Notice of Removal into the record of the State Court Action.

11. Copies of all pleadings, process, orders, and other filings in the State Court Action are attached to this notice as **Exhibit C** as required by 28 U.S.C. § 1446(a).³

12. Pursuant to Federal Rule of Civil Procedure 81 and 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by copies of the following:

Exhibit A: Listing of All Parties and Counsel of Record;

Exhibit B: State Court Docket Sheet;

Exhibit C: Index of All Documents Filed in State Court Action; and

Exhibits C-1: Copy of State Court Petition.

WHEREFORE, Defendant Great Lakes Insurance SE prays that this matter be removed to the United States District Court for the Southern District of Texas, Houston Division for further proceedings and disposition.

³ See Exhibit C: Index of All Documents Filed in State Court Action.

Respectfully submitted,

By: /s/ Valerie Henderson

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*Attorney for Defendant Great Lakes
Insurance SE*

CERTIFICATE AND NOTICE OF FILING

I certify that on October 8, 2019, the Notice of Removal was sent to the 189th Judicial District Court of Harris County, Texas, and that written notice of filing of the Notice of Removal was served via electronic service upon the attorney of record for Plaintiffs.

/s/ Valerie Henderson
Valerie Henderson

CERTIFICATE OF SERVICE

I certify that on October 8, 2019, the foregoing Notice of Removal was served on counsel for Plaintiffs via electronic service pursuant to the Federal Rules of Civil Procedure.

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/s/ Valerie Henderson
Valerie Henderson